

April 14, 2009

SENT VIA E-MAIL AND  
U.S. MAIL

Kevin W. Larson, PE  
United States Environmental Protection Agency  
Superfund Division – Region 7  
901 N. 5th Street  
Kansas City, KS 66101

**RE: Beatrice Former Manufactured Gas Plant Site**

Dear Mr. Larson:

This letter is in response to your letter dated March 26, 2009, and describes Respondents' efforts to finalize an access agreement with Burlington Northern Santa Fe Railway Company ("BNSF").

In January 2008, Black & Veatch ("B&V"), contractor for Centel, prepared and submitted to BNSF an application for access. In April 2008, BNSF provided B&V with a draft access agreement, a copy of which is enclosed as **Attachment 1**. This draft agreement is 15 pages long and included a release of liability for BNSF.

In May 2008, Centel requested that EPA allow the Respondents to revise the work plan without utilizing access to BNSF property. EPA agreed and this work was carried out by Respondents.

The data collected by B&V on behalf of the Respondents while executing this work plan made clear that data would have to be collected from property owned by BNSF. In October 2008, Centel submitted a revised access agreement to BNSF. On December 1, 2008, BNSF's real estate contractor responded to Centel with a revised draft access agreement substantially unchanged from BNSF's original draft.

EPA sent to BNSF a Notice of Potential Liability on December 18, 2008 in connection with the Beatrice, Nebraska FMGP site. Centel suspended its efforts to obtain access to the BNSF property pending this EPA action.

If you have any questions, please call me at 913-315-8631.

Thank you for your assistance in this matter.

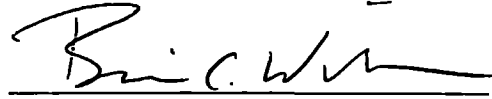
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Superfund

Kevin W. Larson  
April 14, 2009  
Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Wiedower", written over a horizontal line.

Brian Wiedower, on behalf of  
Centel Corporation

cc:

Ed Clement  
Stephen M. Cole  
K.C. Engdahl  
Neal Niedfeldt  
Barbara Peterson, Assistant Regional Counsel – Region 7  
Russ Rosenthal  
Tobias Templemeyer  
Scott Young